

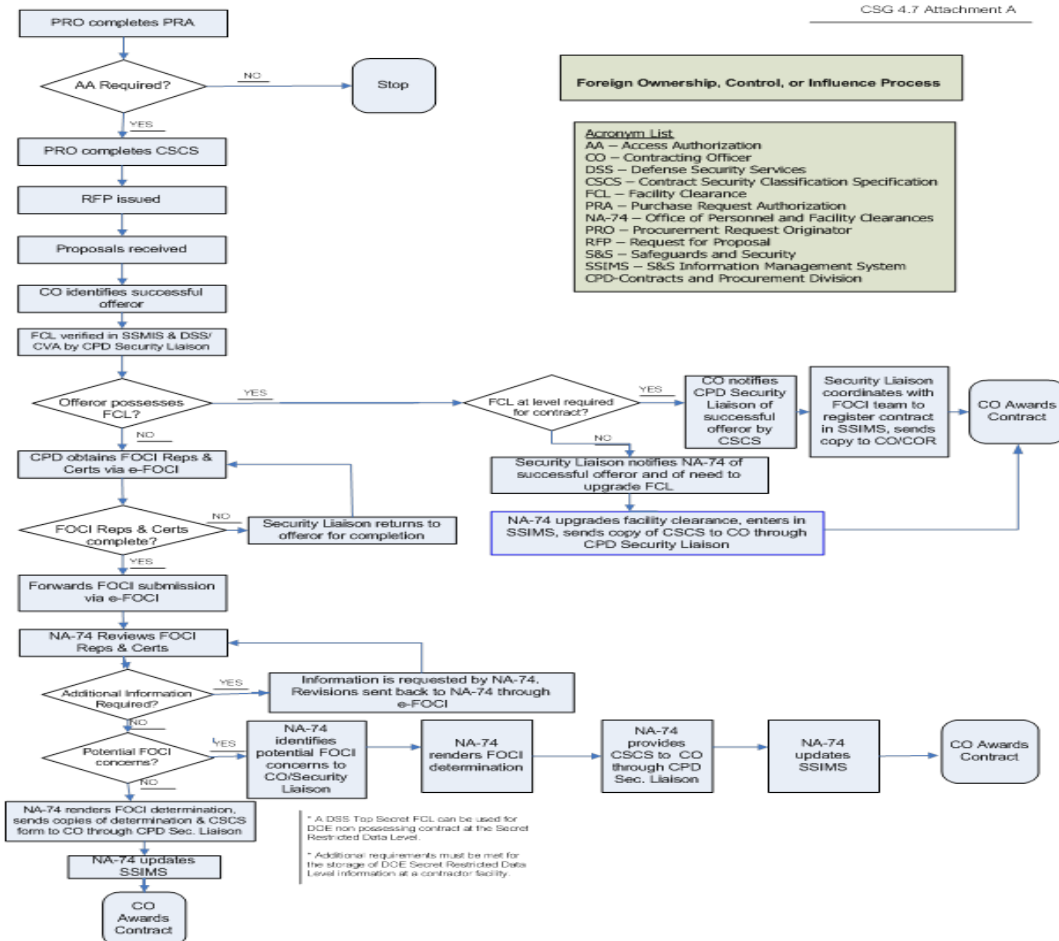
# Contracts/Subcontracts with Security Clearances

Things to Consider.....

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# Decision Matrix

CSG 4.7 Attachment A



# Who Needs Foreign Ownership Control or Influence (FOCI)?

- Any non-federal entity doing business under the federal government that in which access authorizations are required in the performance of a prime contract, task, BPA, etc
- Upon a positive FOCI Adjudication the contractor will be granted a FOCI Determination and a Facility Clearance

# Who Needs FOCl?

- Applicants – *(initial-never held a FOCl/Facility Clearance (FCL) or has been terminated)*
- -Industrial, educational, commercial, or any other entity that have or anticipate executing a contract requiring access authorizations
- -Includes Subcontractors at any tier (flowdown)

## Exempt from FOCl:

- Individual performing under a consulting agreement (not contracted or operating as a “business”)
- Contractors with existing US Government FCLs (Reciprocity applies)

# Types of FOCI Packages

- Initial (new/first time applicants)
  - Annual Review, Five Year (*under new DOE Order no longer required*) \*Annual Submissions required only if under a mitigation plan
  - Significant Changes(required when significant changes occur)  
(Includes address changes, company name change, change in Key Management Personnel, etc., Contractor must submit changes via the e-FOCI system)
- \*NNSA FOCI Office (Cognizant Security Office) can however; request a FOCI package at any time.

# Waiting Activation Notification

## New/Initial FOCI Packages:

- During the FOCI process NA-745 will identify Key Management Personnel (KMP), made up of Senior Level Management from the contractor company
- KMPs are required to obtain a security clearance at the LEVEL of which the FOCI/FCL has been requested
- KMPs will include the senior management officials (i.e., president/owners, officers, directors, partners, trustees, and a designated facility security officer (FSO))
- Contracts and Procurement Division (CPD) receives notification and which is provided to the COR
- COR is responsible for ensuring the identified KMP's submit clearance paperwork/package
- *Identified KMP(s)* must be “in process” before a FOCI Determination is granted, activate FCL with registered Contract Security Classification Specification (CSCS)

# What is a FCL?

- *A facility clearance* is the level of classified work the contractor and contract is approved at, (i.e., S/RD, Secret, C/NSI) (Q or L)
- Facility Code (4-5 digit number) will be assigned to the specific company/vendor as long as they have active DOE/NSSA contracts
- Pertains to access and the requirement for the completion of the outlined scope of work requiring access authorizations/ security clearance
- (FCL, approval of a facility's eligibility to access, receive, generate, reproduce, store transmit, or destroy classified information or matter, (Special Nuclear Material -SNM., etc.) (Possessing Facility, security plan) vs. Non-Possessing

# Eligibility Requirements for a FCL

- **A contractor or prospective contractor must meet the following eligibility requirements prior to being processed for an FCL:**
  - a. Be selected to perform tasks under a contract containing the Department of Energy Acquisition Regulations (DEAR) security clauses found at 48 CFR Part 952;
  - b. Be organized under the laws of one of the 50 States, the District of Columbia, or Puerto Rico and must be located in the United States or a U.S. territorial area or possession;
  - c. Have a reputation for integrity and lawful conduct in its business dealings;
  - d. Not have been barred from participating in U.S. Government contracts (this includes key management personnel on the contract); and
  - e. Not be under foreign ownership, control, or influence (FOCI) to a degree that the granting or continuation of the FCL would be inconsistent with the national interest.



# FCL Reciprocity Requests

- Contractor has an active FCL with another government agency, such as with the Department of Defense (DOD)
  - DOD FCL database will be queried
  - Company has a FCL at the level required, i.e, at the Top Secret (TS) level, which is equivalent to our S/RD “Q”
  - CSCS will be submitted with a copy of the FCL record and request reciprocity
  - Should the company have a FCL, but not at the level required, may be at the “SECRET” level, but NA requires “Q”. Will still request reciprocity, NA will upgrade the FCL to the appropriate level. Should this happen, the companies KMP’s will be required to have their clearances upgraded and held by NA.
- \*Should contractors DOD FCL be terminated, NA becomes the cognizant security office, company will be required to submit a new Initial e-FOCI package.
- Reciprocity also applies to security clearances. This action is requested by the COR.

# Facility Suspensions

## What does it mean when a FCL is suspended?

- Alerts other sites of interest that a FOCI concern may exit
- No new contracts can be awarded
- Contract performance on activities involving proscribed information may not continue until all applicable FOCI requirements are met

# Termination of Facility Clearances

- Will occur upon completion of a specific contract, the FCL will be terminated if company has no other government contract interests registered in SSIMS
- Access authorization must also be terminated or transferred to other active contracts requiring clearances
- Contracting Officer's Representative (COR) and Companies Facility Security Officer (FSO) must work together to get access authorization actions completed
- Termination/Closeout of associated CSCS cannot be processed and completed in SSIMS until all clearance actions have been completed

# CSCS

## DOE F 470.1 (09/2012)

### Contract Security Classification Specification Form

- Tool DOE uses to register contract interests, DOD version, DD-254
  - CSCS Forms must be completed and registered in SSIMS prior to contract award
  - CSCS utilized for Additions, Extensions, Transfers (from DOE/HQ/HSS to NA) and Terminations  
(New CSCS FORM is NOT required- use current CSCS)
  - CSCS required at all levels, from Prime Contractor to their Subcontractors at all tiers, performing on a specific contract with the requirement for access authorizations
- REVIEW CSCS FORM

# CSCS Form Page 1

DOE F 470.1  
(09/2012)  
Replaces DOE F 470.1 (05-05)  
All Other Editions are Obsolete

-1-

## U.S. Department of Energy CONTRACT SECURITY CLASSIFICATION SPECIFICATION (CSCS)

1. CSCS No.:		2. Previous CSCS No.:		3a. Reason for Action: (Check One) <input type="checkbox"/> Add <input type="checkbox"/> Change <input type="checkbox"/> Terminate b. Item Numbers Modified:	
4. This Specification Is For: (Complete as Applicable)				5. Specification Is: (Complete as Applicable)	
(Check One) a. <input type="checkbox"/> Contract or Other Number <input type="checkbox"/> Solicitation Contract Type: _____				a. Original (Complete data in all cases) _____ Date _____	
b. Contract Number: _____ End Date: _____ (Estimated)				b. Revised (Supersedes all previous specifications) _____ Date _____	
c. Contract Number of Prime: _____ End Date: _____ (Complete if registering or soliciting a subcontract) (Estimated)				c. Certificate of Possession Retention of Classified Matter is Authorized Until _____ Date _____	
				d. Final Certificate of Non-Possession or Equivalent _____ Date _____	
6. General Identification of this Procurement					
7. Contractor					
a. Facility Code		b. Name, Address, and Zip Code		c. Cognizant Security Office (Name, Address, and Zip Code)	
8. Prime Contractor (Complete if registering or soliciting a subcontract)					
a. Facility Code		b. Name, Address, and Zip Code		c. Cognizant Security Office (Name, Address, and Zip Code)	
9. Actual Place of Performance (DOE Facilities) (Attach additional entries as necessary on page 3)					
a. Facility Code		b. Name, Address, and Zip Code		c. Cognizant Security Office (Name, Address, and Zip Code)	
Actual Place of Performance (NON DOE Facilities) (Attach additional entries as necessary)					
a. ID Code		b. Name, Address, and Zip Code		c. Cognizant Security Office (Name, Address, and Zip Code)	
10. Clearance and Storage (enter level and category)				11. This Contract Will Require Access To:	
a. Classification of Matter to be Accessed: <input type="checkbox"/> TSRD <input type="checkbox"/> TSFRD <input type="checkbox"/> TSNSI <input type="checkbox"/> SRD <input type="checkbox"/> SFRD <input type="checkbox"/> SNSI <input type="checkbox"/> CRD <input type="checkbox"/> CFRD <input type="checkbox"/> CNSI <input type="checkbox"/> U				<input type="checkbox"/> OTHER DCI CAVEATS <input type="checkbox"/> COMSEC <input type="checkbox"/> FGI <input type="checkbox"/> NATO <input type="checkbox"/> SCI <input type="checkbox"/> CNWDI <input type="checkbox"/> WD/SIGMAS: _____ <input type="checkbox"/> OTHER: _____	
b. Level of Storage Required at Contractor Facility in Block 7a: <input type="checkbox"/> TSRD <input type="checkbox"/> TSFRD <input type="checkbox"/> TSNSI <input type="checkbox"/> SRD <input type="checkbox"/> SFRD <input type="checkbox"/> SNSI <input type="checkbox"/> CRD <input type="checkbox"/> CFRD <input type="checkbox"/> CNSI <input type="checkbox"/> U					
c. Level of Storage for this Contract: <input type="checkbox"/> TSRD <input type="checkbox"/> TSFRD <input type="checkbox"/> TSNSI <input type="checkbox"/> SRD <input type="checkbox"/> SFRD <input type="checkbox"/> SNSI <input type="checkbox"/> CRD <input type="checkbox"/> CFRD <input type="checkbox"/> CNSI <input type="checkbox"/> U					
d. Access Authorization: <input type="checkbox"/> Q <input type="checkbox"/> L <input type="checkbox"/> T <input type="checkbox"/> S <input type="checkbox"/> C					
12. In Performing this Contract, the Contractor Will:					
<input type="checkbox"/> Have Access to Classified Information Only at Another Contractor's Facility or a Government Activity <input type="checkbox"/> Generate Classified Matter <input type="checkbox"/> Perform Services That Require Unescorted Access to Security Areas <input type="checkbox"/> Have Access to U.S. Classified Information Outside the U.S., Puerto Rico, U.S. Possessions and Trust Territories <input type="checkbox"/> Other (Specify) Classified				<input type="checkbox"/> Receive Classified Matter <input type="checkbox"/> Fabricate, Modify, or Store Classified Items (e.g., Hardware or Substances) <input type="checkbox"/> Be Authorized to Use the Services of the Office of Scientific & Technical Information to Receive Classified Matter <input type="checkbox"/> Require a COMSEC Account <input type="checkbox"/> Be Authorized to Use the Defense Courier Service	

# CSCS Form Page 2

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-2-

<p>13. Classification Guidance</p> <p>The classification guidance needed for this classified effort is identified below. Note: Guidance which is in itself classified should be referenced here and provided under separate cover.</p>		
<p>14. Security Requirements</p> <p>Security requirements are established for this contract and are identified in the following contracts/solicitation clauses.</p> <p> <input type="checkbox"/> DEAR 952.204-2 Security Requirements             <input type="checkbox"/> DEAR 952.204-73 Facility Clearance (Solicitation)         </p> <p> <input type="checkbox"/> DEAR 952.204-70 Classification/Declassification             <input type="checkbox"/> DEAR 970.5204.1 Counterintelligence (for management contracts ONLY)         </p>		
<p>15. Surveys</p> <p>DOE Surveying Office is _____</p> <p>Elements of this contract are outside the survey responsibility of the Cognizant Security Office and/or the Surveying Office.</p> <p> <input type="checkbox"/> No             <input type="checkbox"/> Yes (Identify specific areas and provide explanation/justification for each)         </p>		
<p>16. Certification and Signature. Security requirements stated herein are complete and adequate for safeguarding the classified information to be released or generated under this classified contract. All questions shall be referred to the official named below:</p>		
a. Typed Name of Procurement Request Originator	b. Title and Organization	c. Telephone (Include Area Code)
d. Address (include Zip Code)	<p>e.</p> <p>Signature _____</p> <p>Date _____</p>	
17. Typed Name of Contracting Official	<p>Signature _____</p> <p>Date _____</p>	
18. Typed Name of Classification Officer (Approval of Block 13)	<p>Signature _____</p> <p>Date _____</p>	
19a. Typed Name of Local DOE Security Officer	<p>Signature _____</p> <p>Date _____</p>	
<p>a. Responsible Office : NA</p>		
<p>20. Required Distribution</p> <p> <input type="checkbox"/> Contractor             <input type="checkbox"/> Administering Contracting Officer         </p> <p> <input type="checkbox"/> Subcontractor             <input type="checkbox"/> Surveying Office If Different than Cognizant Security Office         </p> <p> <input type="checkbox"/> Cognizant Security Office             <input type="checkbox"/> Others, as Necessary:         </p>		
<p>21. General Comments:</p>		

# CSCS Form Page 3

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-3-

9. Actual Place of Performance – DOE Facilities		
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
9. Actual Place of Performance – NON DOE Facilities		
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)
a. Facility Code	b. Name, Address, and Zip Code	c. Cognizant Security Office (Name, Address, and Zip Code)

# NNSA Timeframes

- **Initial FOCI Package (*applies to contractor that has never held a FOCI/FCL*)**
  - NA-745 takes at least *60 working days* to process/ grant a new FOCI Determination
- **CSCS (*extensions, registrations with active FCL*)**
  - NA-745 requires *5-7 working days* to register a CSCS (allow 10 working days)
- **Reciprocity (*FCL granted by another Government Agency*) *2-3 weeks***



# Additional Timeframe Information

- **Contractor with an active DOE FCL:**

Complete CSCS form so that I can submit to the NA-745 FOCI office for registration. Timeframe for a contractor with an active FCL is 5-7 working days from date that NA-745 receives.

- **Contractor does not have a FOCI/FCL:**

*Initial FOCI package will be required. A FOCI Determination is taking 60 working days to obtain.*

*\*An initial FOCI will require identified Key Management Personnel (KMPs =i.e., President, Vice President, Facility Security Officer, etc. ) to be "in process" for their security clearance before the facility clearance will be activated.*

- **Contractor with an active FOCI/FCL granted by another agency:**

Such as the DoD, reciprocity will apply. Reciprocity is taking 2-3 weeks to obtain.

**Provide a draft CSCS as soon as for review**

# FOCI Point of Contact

**Ms. Bernadette Chacon**

**FOCI Coordinator/NNSA**

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**e-mail: [Bernadette.Chacon@nnsa.doe.gov](mailto:Bernadette.Chacon@nnsa.doe.gov)**